

LINDA KROP (Bar No. 118773)
lkrop@environmentaldefensecenter.org
MARGARET M. HALL (Bar No. 293699)
mhall@environmentaldefensecenter.org
ENVIRONMENTAL DEFENSE CENTER
906 Garden Street
Santa Barbara, CA 93101
Tel. (805) 963-1622 / Fax. (805) 962-3152
*Attorneys for Environmental Defense Center, Get Oil Out!, Santa Barbara County
Action Network, Sierra Club, and Surfrider Foundation*

JULIE TEEL SIMMONDS (Bar No. 208282)
jteelsimmonds@biologicaldiversity.org
ELIZABETH JONES (Bar No. 326118)
ljones@biologicaldiversity.org
CENTER FOR BIOLOGICAL DIVERSITY
1212 Broadway, Suite 800
Oakland, CA 94612
Tel. (510) 844-7100/ Fax. (510) 844-7150
Attorneys for Center for Biological Diversity and Wishtoyo Foundation

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION**

EXXON MOBIL CORPORATION,

Petitioner/Plaintiff,

v.

SANTA BARBARA COUNTY
BOARD OF SUPERVISORS,

Respondent/Defendant,

and

ENVIRONMENTAL DEFENSE
CENTER, GET OIL OUT!,
SANTA BARBARA COUNTY
ACTION NETWORK, SIERRA
CLUB, SURFRIDER FOUNDATION,
CENTER FOR BIOLOGICAL
DIVERSITY, and WISHTOYO
FOUNDATION,

Proposed
Defendant/Intervenors.

Case No. 2:22-cv-03225-DMG (MRWx)

**DECLARATION OF
BRENDAN CUMMINGS
IN SUPPORT OF MOTION
TO INTERVENE**

Hon. Dolly Gee

Hearing: October 21, 2022
Time: 9:30 a.m.
Place: Courtroom 8C,
350 West 1st Street, Los Angeles

1 I, Brendan Cummings, declare as follows:

2 1. I have personal knowledge of the following, and I could and would
3 competently testify to these matters if called as a witness.

4 2. I have been on staff at the Center for Biological Diversity (CBD) for
5 more than 20 years and currently serve as its Conservation Director. I previously
6 served as director of CBD's Oceans Program and, in my current capacity, continue
7 to work on and oversee a significant percentage of our oceans-protection work,
8 including our work on offshore oil and gas production and related ecosystem
9 impacts. I work with our legal and scientific staff and other organizations to
10 advance CBD's goals of ocean, air quality, endangered species, and climate
11 protection through administrative actions and reform, scientific research, and the
12 judicial process. In my capacity at the CBD, I am familiar with all aspects of
13 CBD's activities and organizational interests related to environmental protection in
14 general and the areas, species, and issues affected by this litigation in particular. I
15 am also a long-term member of the organization.

16 3. CBD is a nonprofit group founded in 1989 and incorporated in the
17 State of California. CBD works through science and environmental law to
18 advocate for the protection of endangered, threatened, and rare species and their
19 habitats throughout the United States and abroad. The organization seeks to ensure
20 the long-term health and viability of animal and plant communities, and to protect
21 the terrestrial and aquatic habitat these species need to survive. CBD believes the
22 health and vigor of human societies and the integrity and wildness of the natural
23 environment are closely linked. Because diversity has intrinsic value, and because
24 its loss impoverishes society, CBD's primary mission is to work to secure a future
25 for all species—great and small—hovering on the brink of extinction. We do so
26 through science, law, and creative media, with a focus on protecting the lands,
27 waters, and climate that species need to survive. We want those who come after us
28 to inherit a world where the wild is still alive.

1 4. CBD's Oceans Program focuses specifically on conserving marine
2 ecosystems and seeks to ensure that imperiled species are properly protected from
3 destructive practices in our oceans, including oil and gas development and
4 transport. CBD's Climate Law Institute works to reduce greenhouse gas emissions
5 and other air pollutants, conserve natural resources, and minimize the public health
6 risks facing communities exposed to pollution. Similarly, our Endangered Species
7 Program work to protect rare and imperiled species from all manner of threats. One
8 of CBD's top priorities is the full implementation of existing environmental laws
9 to reduce impacts to endangered species and fragile ecosystems. We also aim to
10 address air pollution and climate change and help spur the transition from a fossil
11 fuel dependent society to a clean energy future.

12 5. CBD currently has 89,610 members and more than 1.7 million online
13 activists. CBD members reside throughout the United States, including 17,931
14 members who reside in California and over 880 of whom live in Santa Barbara,
15 San Luis Obispo, and Kern counties. CBD's members, including myself, rely on
16 CBD to represent our interests in the preservation of imperiled species and
17 habitats, including those at stake in this litigation.

18 6. ExxonMobil's plan to truck oil along Highway 101 and Highway 166
19 across three counties puts California's special species, habitat, and public safety at
20 unnecessary risk and significantly threatens CBD's interests and work on behalf of
21 the species, habitat, and communities at risk from oil and gas exploration,
22 processing, transport, accidents, and spills.

23 7. As part of its mission, CBD provides oversight of governmental
24 programs, policies, and activities that impact endangered species and habitats.
25 CBD has been at the forefront of efforts to hold the government accountable for its
26 obligations under the California Environmental Quality Act, Endangered Species
27 Act, Marine Mammal Protection Act, Clean Water Act, and other state and federal
28 laws protecting wildlife and habitat. CBD regularly engages in protection efforts

1 and campaigns to ensure our nation's laws are enforced with respect to wildlife and
2 habitat. CBD also develops and disseminates a wide array of educational and
3 informational materials concerning the status of and threats to wildlife and their
4 habitats. These materials are distributed to our members; non-profit organizations;
5 policymakers; local, state, federal, and international governmental officials;
6 journalists; and interested members of the public.

7 8. The devastating effects of oil spills have been experienced all too
8 often in California. From the Plains Pipeline rupture in 2015 that blackened
9 beaches for miles to the October 2021 pipeline spill off the coast of Huntington
10 Beach, oil spills and accidents harm CBD's staff and members interests and ability
11 to engage in the activities that they cherish, from scientific research and
12 beachcombing to wildlife viewing and hiking. These spills are a tragic reminder of
13 the harmful impacts of offshore oil drilling and the risks associated with the restart
14 of oil production and transport of oil that would have occurred had Santa Barbara's
15 board of supervisors approved ExxonMobil's oil trucking project.

16 9. CBD has been actively involved in protecting wildlife and habitat
17 onshore and offshore of California for more than 25 years. In this time, CBD has
18 been a principal organization securing Endangered Species Act protections for
19 many marine species this litigation affects, including blue, fin and humpback
20 whales; North Pacific loggerhead sea turtles; and Southern sea otters. Concomitant
21 with those protections, CBD has also worked toward protecting the marine and
22 terrestrial habitat of these and other imperiled species by advocating for critical
23 habitat designations. For example, CBD successfully fought for critical habitat
24 designations for leatherback sea turtles and the Central America distinct population
25 segment of humpback whales off California, Oregon, and Washington, with 40,000
26 square miles designated for leatherbacks in 2012 and 48,500 square miles
27 designated for humpbacks in 2021.

28 10. CBD also works to enforce protections for imperiled marine species,

1 including taking numerous actions that specifically involve offshore oil and gas
2 drilling. For example, our staff, members, and allies successfully challenged a
3 decision to authorize offshore hydraulic fracturing (fracking) and acidizing at all
4 active oil and gas leases on the Outer Continental Shelf. In a June 2022 decision,
5 the Ninth Circuit found the agencies violated the Endangered Species Act and
6 National Environmental Policy Act, striking down the authorization. CBD and
7 allies also successfully challenged the use of toxic chemicals that were aerially
8 sprayed on the ocean after oil spills, which is meant to disperse oil and aid in
9 cleanup but has severe effects on human health, the marine environment, and many
10 species of wildlife—doing much more harm than good.

11 11. CBD also improved the evaluation and regulation of global
12 greenhouse gas emissions that result from oil and gas drilling, winning a case at the
13 Ninth Circuit because an environmental analysis for a proposed oil and gas lease
14 sale did not examine resulting climate impacts. CBD subsequently won two
15 additional cases on these same grounds, with district courts following the
16 established precedent and blocking oil and gas drilling off the coast of Alaska and
17 in the Gulf of Mexico. These cases protected millions of square miles of ocean,
18 confronted the effects of downstream consumption of oil and gas drilling, and
19 strengthened the implementation of environmental laws.

20 12. CBD just settled litigation it filed over a 2017 agency decision that
21 concluded offshore oil and gas drilling is not likely to adversely affect any
22 threatened or endangered whale, seal, sea turtle, fish, or invertebrate species off
23 California. The decision relied on the assumption that there is a low likelihood of
24 an oil spill occurring, and that if one did occur, it would spill no more than 8,400
25 gallons of oil—assumptions that are refuted by the 2015 and 2021 oil spills. The
26 settlement requires federal agencies to complete a new analysis within one year
27 that accounts for new information related to the recent oil spill, considers how
28

1 offshore-drilling activity affects newly designated critical habitat for Pacific
2 humpback whales, and consider implementing certain mitigation measures.

3 13. CBD's other work to reduce threats to wildlife in the Pacific Ocean
4 includes legal actions to reduce the bycatch of whales, sea otters, sea turtles, and
5 white sharks in fishing gear; advocacy to reduce ship speeds off the California
6 coast to prevent vessels from colliding with and killing whales; and efforts to
7 reduce the use of seismic surveys and military sonar that can cause hearing loss
8 and strandings of marine mammals.

9 14. CBD has also been involved in opposing onshore oil and gas
10 development and obtaining protections for many of the aquatic and terrestrial
11 species at issue in this litigation and threatened by ExxonMobil's trucking plan.
12 For example, in 2020, CBD challenged a resource management plan that would
13 have opened oil and gas drilling on 1.2 million acres of public lands in Santa
14 Barbara, San Luis Obispo, Kern, and three other counties. CBD also challenged a
15 lease sale of more than 4,000 acres for oil and gas development in Kern County.
16 Both of those lawsuits were settled in August 2022. The Bureau of Land
17 Management has agreed to suspend new oil and gas leasing in these areas until it
18 conducts a new environmental analysis. In Kern County, CBD successfully
19 challenged the adoption of a 2015 ordinance that would have fast-tracked
20 permitting for thousands of oil and gas projects per year and eliminated future
21 environmental reviews and public participation. CBD is currently involved in a
22 challenge to an updated version of the Kern ordinance.

23 15. CBD has actively worked to protect species along the trucking route,
24 including southwestern willow flycatchers, California red legged frogs, California
25 tiger salamanders, blunt-nosed leopard lizards, San Joaquin kit foxes, and Southern
26 California steelhead, to name a few that could be affected by the project. For
27 example, CBD first petitioned for the Southwestern willow flycatcher to be
28 protected as an endangered species in 1992 and has fought for decades to safeguard

1 the bird's highly imperiled critical habitat. In 2007, CBD challenged a decision to
2 reduce the critical habitat designation for California red-legged frogs, and our
3 advocacy work helped restore and nearly quadruple the designation to 1.6 million
4 acres in 2010. CBD also fought for protections for California tiger salamanders
5 under the California Endangered Species Act in 2010, with our efforts including an
6 administrative petition and a state lawsuit challenging the initial rejection of our
7 petition, which CBD won at both the superior and appeals court levels. CBD has
8 also filed lawsuits and led educational campaigns to protect California red legged
9 frogs, California tiger salamanders, Southern California steelhead, and other listed
10 species from pesticides; urban and industrial development; and other impacts.

11 16. ExxonMobil's planned trucking route is on Highway 101 and
12 Highway 166, which are incredibly narrow, winding, and accident-prone. Just one
13 accident could create a dangerous explosion or another oil spill into waterways and
14 habitats that support threatened and endangered species. For example, a long
15 stretch of the route parallels the Cuyama River, a sensitive watershed that provides
16 critical habitat for several species, including California red-legged frogs and
17 southwestern willow flycatchers. The risk of an accident is all too real, as
18 demonstrated in 2020 when an oil truck crashed on Highway 166, dumping
19 thousands of gallons of oil into the Cuyama River. Even absent an accident, the
20 increased traffic from trucking on Highway 166 would increase the risk of roadkill
21 to species such as the San Joaquin kit fox, a species for which road mortality is one
22 of its greatest threats.

23 17. Many CBD staff and members live near and regularly visit the areas
24 that would be harmed if ExxonMobil resumes oil and gas drilling. This includes
25 coastal areas like the Santa Barbara Channel, Channel Islands, and beaches up and
26 down the coast. CBD's staff and members enjoy going to these areas to look for
27 and study tidepool animals like sea anemones, sea stars, and urchins; shoreline
28 animals like elephant seals, harbor seals, fur seals, and sea lions; and open ocean

1 wildlife like whales and dolphins. CBD staff and members also enjoy hiking,
2 beachcombing, surfing, swimming, scuba diving, sailing, and other recreational
3 activities along California's central and southern coast, which provides benefits for
4 their physical, mental, and spiritual health.

5 18. CBD's members regularly travel along ExxonMobil's proposed
6 trucking route to recreate in and enjoy public lands in state and federal parks,
7 forests, and monuments, including Gaviota State Park, Los Padres National Forest,
8 Bitter Creek National Wildlife Refuge and Carrizo Plain National Monument, as
9 well as other protected areas open to the public such as the Wind Wolves Preserve.
10 These special places, the species that depend on them, and our members' interests
11 would be harmed by the extra noise, lights and roadkill from increased truck traffic
12 and seriously harmed if an oil tanker crashed along this notoriously dangerous
13 route along Highway 101 and Highway 166.

14 19. I regularly travel and recreate along the proposed trucking route
15 myself, and my personal use, enjoyment, and interests—along with my health and
16 safety—are at risk if ExxonMobil's demands are met in this litigation. For
17 example, I have been up and down Highway 101 through Santa Barbara several
18 times in recent years, most recently in June 2022 during a vacation when I stayed
19 overnight in Santa Barbara and then drove north to Big Sur. My next such trip is
20 scheduled for December. I am an avid bird watcher and love watching seabirds
21 whenever I am on the coast. I also enjoy watching marine mammals like sea lions
22 and whales; searching for tracks and other signs of wildlife; and identifying native
23 plants along the proposed trucking route. These activities help keep me healthy and
24 are essential to my well-being—stimulating my mind and scientific curiosity while
25 also giving me physical exercise and peace of mind. If ExxonMobil's trucking
26 proposal is allowed to proceed, I will experience more traffic congestion and more
27 carbon dioxide emissions at best. But at worst, a devastating oil spill could occur—
28 meaning I might not be able to access beaches or highways for personal or

1 professional purposes, and my chances to see or study plants and wildlife could be
2 diminished for years to come.

3 20. I also regularly travel, hike, and explore areas near and along
4 Highway 166. My most recent trip was last fall, when I went to search for tracks
5 and other signs of OR93—a young wolf who had traveled from Oregon to the
6 region, becoming the first wolf seen on the central coast in 200 to 300 years. I
7 visited the areas where the wolf had been seen as well as the nearby Carrizo Plains
8 National Monument and Bitter Creek National Wildlife Refuge which Highway
9 166 runs along. I also participated in the annual elk surveys at the Wind Wolves
10 Reserve, immediately east and south of Highway 166. From some high points in
11 the Preserve, the only visible lights and audible sounds were from traffic on
12 Highway 166. I enjoyed bird and mammal watching, including seeing an
13 endangered San Joaquin kit fox; searching for amphibians and native plants; and
14 absorbing the solitude and quietness during this trip. I will be returning to the area
15 this fall to once again participate in the annual elk count.

16 21. Due to these interests and concerns of our organization and its
17 members, CBD organizers, attorneys, scientists, GIS specialists, and members
18 have devoted many hours to understanding and opposing ExxonMobil's plan since
19 it first proposed trucking oil in 2015 following the Refugio oil spill. CBD staff
20 have researched the scientific and legal issues; submitted extensive comments on
21 the environmental review documents and at public hearings; and conducted public
22 and media outreach campaigns.

23 22. To cite just a few examples, CBD submitted a comment letter on June
24 4, 2019, detailing how the environmental documents prepared to date did not
25 comply with the law and why approval of the oil trucking project would put
26 California's natural and cultural resources at risk. Our comment letter described
27 how the plan to truck oil on Highway 101 is uniquely hazardous and harmful,
28 crossing numerous waterways and biological and culturally significant areas;

1 emitting significant amounts of greenhouse gases; degrading air quality and
2 harming public health; threatening highway accidents and oil spills; and
3 prolonging the state's dependence on dirty fossil fuels. CBD gathered and analyzed
4 data from the U.S. Department of Transportation, using these to create maps
5 illustrating the accident and spill hazards this project would pose. On March 27
6 2020, CBD submitted another comment letter to highlight the oil truck accident
7 that spilled into the Cuyama River and oiled animals, which also showed the
8 overlap of the proposed trucking route with federally designated critical habitat for
9 several threatened and endangered species, including the imperiled California red-
10 legged frog, blunt-nosed leopard lizard, and California tiger salamander. On
11 September 27, 2021, CBD submitted a letter that summarized California Highway
12 Patrol data we had gathered and analyzed on large-truck incidents that required a
13 police response. These comments included a map and timelapse video
14 demonstrating that 258 such incidents occurred along the proposed route between
15 January 2015 and May 2021 alone, causing 110 injuries and ten deaths. On March
16 4, 2022, CBD submitted a letter to the Board of Supervisors urging the County to
17 deny the project. This letter summarized the dangers of trucking oil and provided
18 recent trucking accident and spill statistics and data from state and federal
19 agencies. CBD staff have also consistently attended and spoken at Planning
20 Commission and Board of Supervisors hearings on this matter, including
21 comments by CBD senior attorney Julie Teel Simmonds on September 29, 2021
22 and March 8, 2022 about why the project should be denied. The reasons given by
23 CBD staff included but were not limited to the fact that state law generally
24 prohibits oil transport by tanker trucks for good reason, that County staff originally
25 recommended taking Highway 166 off the table entirely because of its risks, and
26 that the Environmental Impact Report was inadequate to support approval.

27 23. In sum, CBD has worked for seven years to ensure that any restart of
28 offshore oil production and transport of oil does not harm its members. CBD's

1 long-standing, specific interests in protecting natural resources and public health
2 will not be adequately represented if CBD is denied intervention.

3 24. Attached as Exhibit 1 to this declaration is a true and correct copy of
4 the comment letter (without attachments) that CBD submitted to the Santa Barbara
5 County Board of Supervisors on March 4, 2022.

6
7 I declare under penalty of perjury that the foregoing is true and correct.

8
9 DATED: August 31, 2022.



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Brendan Cummings

Exhibit 1

Declaration of Brendan Cummings

Case No. 2:22-cv-03225-DMG (MRWx)
ExxonMobil v. Santa Barbara Board of Supervisors



CENTER for BIOLOGICAL DIVERSITY

Because life is good.

Via electronic mail and hard copy delivery

March 4, 2022

Ms. Joan Hartmann, Chair
Santa Barbara County Board of Supervisors
105 East Anapamu Street
Santa Barbara, CA 93101
Email: sbcob@countyofsb.org

Re: Item 3: ExxonMobil Interim Trucking for SYU Phased Restart Project (17RVP-00000-00081; SCH# 2018061035; Case No. 19EIR-00000-00001) - DENY

Dear Chair Hartmann and Board members:

The Center for Biological Diversity is writing to urge the Santa Barbara County Board of Supervisors to deny ExxonMobil's trucking project. The Center has submitted comment letters to the Planning Commission on this project on multiple occasions (June 4, 2019, March 27, 2020, September 27, 2021, October 13, 2021, and November 1, 2021) and submitted comments to the Santa Barbara County Air Pollution Control District (May 25, 2021) on the Part 70 permits needed to restart ExxonMobil's Santa Ynez Unit. To avoid repeating the contents of those letters, we hereby incorporate them by reference and submit them and their references in full with this letter for your convenience.¹

Below, we highlight a few key points and developments.

Trucking oil is inherently dangerous and presumptively prohibited in California for good reason. Oil truck accidents cause fires and explosions, injure and kill people, and spill hundreds of thousands of gallons of crude oil every year onto roads and into waterways, harming water, biological, and cultural resources. The extraordinarily high rate of accidents makes trucking one of the worst forms of oil transport. That is why both the State of California and Santa Barbara County generally prohibit transporting oil drilled offshore by truck.²

Staff recommended taking Highway 166 off the table because of unacceptable accident and spill dangers. Notably, in 2020, the Santa Barbara Planning Commission Staff Report recommended that the Pentland Terminal in Kern County be "eliminat[ed] . . . as one of the main receiver sites during normal operations,"³ because of the danger posed by transporting oil and

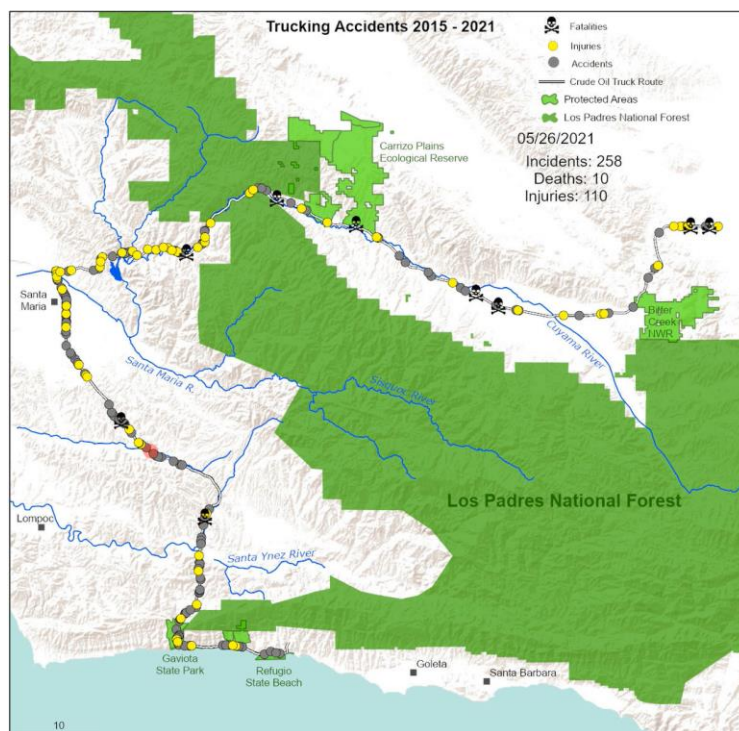
¹ We are mailing the files to you but also provide them at this link for your convenience:
<https://tinyurl.com/bdf2fu34>.

² Coastal Act § 30262(a)(7)(B); Santa Barbara County Code § 35.52.060(B)(10).

³ Santa Barbara County Planning Commission, Staff Report for ExxonMobil Interim Trucking for Santa Ynez

gas by tanker truck on Highway 166, which follows the course of the Cuyama River.⁴ The remaining destination for the tanker trucks, the Santa Maria facility in San Luis Obispo, became impracticable beyond the very short-term when in August 2020 Phillips 66 announced that it is shutting down its Santa Maria refinery and associated pipeline system in 2023—including the Santa Maria Pump Station to which ExxonMobil planned to send its crude oil. The ExxonMobil proposal currently in front of you would allow up to 173,740 round trips of oil tanker traffic over the course of the project along this proposed-to-be-eliminated, too dangerous Highway 166 route.

Our previous letters have detailed the risks from trucking accidents and spills along the proposed routes. For example, in our September 27, 2021 letter, we provided data and a data visualization video that show the locations of collisions and deaths involving tanker trucks, tractor-trailers, and box trucks along the proposed route (there were 258 large-truck incidents requiring a police response with 110 injuries and ten deaths between January 2015 and May 2021 alone). We provided a [link](#) to an MP4 video of accidents along the Exxon trucking route during this time period. We also provided the [raw data](#).



Phased Restart (July 22, 2020).

⁴ The 2020 Staff Report found that an alternative trucking route to Santa Maria Pump Station only rather than the Santa Maria Pump Station and Pentland Terminal in Kern County “would reduce truck miles traveled by substantially limiting the number of trucks that could go to the Pentland Terminal. State Route 166 has several long road stretches that parallel waterways such as the Cuyama River. By substantially limiting the number of trucks that could use State Route 166, this alternative would also reduce the probability of an oil spill entering a waterway.” *Id.* at 22.

Accidents since that time, including the crude oil tanker crash that caused a vegetation fire and small oil spill near Orcutt last October,⁵ continue to underscore the threats this project poses to the environment and public health, safety, and general welfare.



Photo: SB County Fire Department (Oct. 11, 2021)

Our previous comments also included poll results from a 2019 poll conducted by Public Policy Polling, which revealed that a majority of Santa Barbara County voters oppose proposals to restart ExxonMobil's offshore drilling platforms, and 72 percent of respondents said they were concerned about highway safety if up to 70 additional oil tankers are added to their highways:⁶

Q5 How concerned are you about the safety of our local highways if up to 70 oil tanker-trucks are allowed on our roads each day: very concerned, somewhat concerned, or not concerned at all?

Very concerned.....	44%
Somewhat concerned	28%
Not concerned at all.....	25%
Not sure	4%

The oil spill risk and climate impacts of this project are unacceptable. The recent San Pedro Bay Pipeline failure and oil spill off of Long Beach and Huntington Beach⁷ and DCOR Pipeline

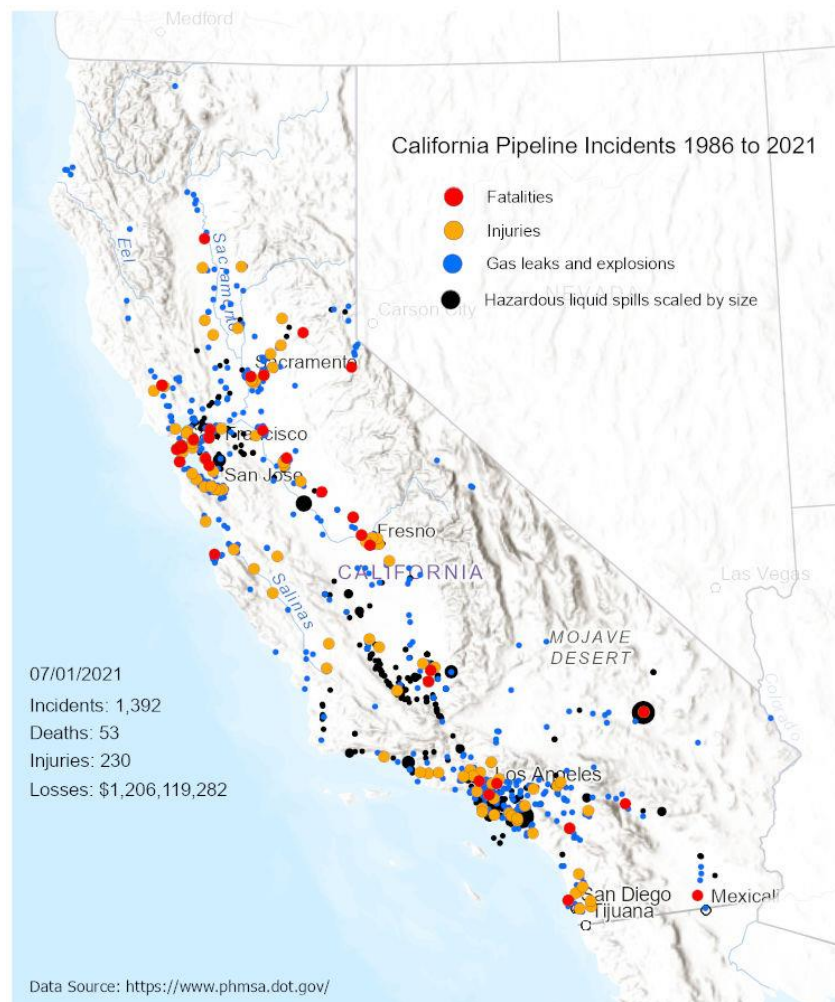
⁵ See, e.g., G. Magnoli, Crash involving oil tanker truck causes vegetation fire east of Orcutt, Noozhawk (Oct. 11, 2021) (submitted with previous letter).

⁶ Public Policy Polling, Santa Barbara, CA Survey Results (2019) (submitted with previous letter).

⁷ U.S. Dept. of Transportation, Pipeline and Hazardous Materials Safety Administration, Corrective Action Order, CPF NO. 5-2021-054-CAO (submitted with previous letter).

0919 leak off Huntington Beach⁸ are just the latest events counseling for denial of this project, which will facilitate the restart of offshore oil production and offshore pipelining of oil to ExxonMobil's onshore facilities and then its oil tankers.

As previously submitted to the Planning Commission, a Center for Biological Diversity analysis found that nearly 1,400 oil and gas pipeline leaks, spills and other incidents in California since 1986 have caused at least \$1.2 billion in damages, as well as 230 injuries and 53 deaths. A time-lapse video informed by the analysis maps every significant pipeline incident in California — along with their financial costs and toll in injuries and deaths — from 1986 to July 2021.⁹ According to federal data, California has suffered an average of 40 significant pipeline incidents per year.



⁸ Vega, Priscilla, California-based oil company identified as source of latest sheen off Orange County coast, LA Times (Dec. 26, 2021).

⁹ See Center video of California Pipeline Incidents 1986 to 2021 available at https://www.youtube.com/watch?v=KmF_Xpuo0IM.

Along with the accident and spill risks this project poses, the climate risks of restart and trucking are significant. This project will generate 317,043 metric tons of carbon dioxide equivalents (CO₂e) per year, emissions that are at odds with state and County climate policies and targets. The latest component of the United Nations Intergovernmental Panel on Climate Change 6th Assessment Report released last month contains sobering conclusions about the more frequent, more intense climate impacts we are already experiencing and those we can expect if we do not limit warming to 1.5 degrees Celsius.¹⁰ If we do not stay below this limit, we will see “irreversible changes to ecosystems, mounting damages to infrastructure and housing, stress on economic sectors, and disruption of livelihoods, mental and physical health, leisure, and safety.”¹¹

The recent spills and expert reports should be the last wake-up call decisionmakers need before saying no to more fossil fuel extraction and processing in an era of aging infrastructure, diminishing returns, and unacceptable harms.¹² As one example of leadership following these spills, Senator Min (D-Irvine) has introduced Senate Bill 953, which would require the State Lands Commission to terminate all remaining oil and gas leases under its jurisdiction in tidelands and state waters by December 31, 2023. The LA Times echoed the need for that bill and related action in an editorial published March 2.¹³ These devastating and costly incidents will continue until California and the federal government put an end to this dirty and dangerous extraction business.

The recent spills also underscore the folly of touting any benefits of restart when evaluating this project and yet looking only at the trucking aspects of ExxonMobil’s proposal when evaluating its environmental impacts and risks. There is no trucking without a restart, and with restart come many more impacts and risks that have never been properly evaluated. For the County to rely on a thirty-five year old joint Environmental Impact Statement/Environmental Impact Report (EIR) and Supplemental EIR for that analysis violates the California Environmental Quality Act (CEQA), as we have detailed in previous letters.

Santa Barbara County has already experienced more than enough devastating effects of oil spills (including the 2015 Refugio spill), truck accidents, and climate change (including more

¹⁰ IPCC WGII Sixth Assessment Report, Chapter 14.

¹¹ *Id.* at 14-3; as Bill McKibben recently summarized, “now is the moment to remind ourselves that, in the last decade, scientists and engineers have dropped the cost of solar and windpower by an order of magnitude, to the point where it is some of the cheapest power on Earth. The best reason to deploy it immediately is to ward off the existential crisis that is climate change, and the second best is to stop the killing of nine million people annually who die from breathing in the particulates that fossil fuel combustion produces. But the third best reason – and perhaps the most plausible for rousing our leaders to action – is that it dramatically reduces the power of autocrats, dictators, and thugs.” McKibben, B., This is how we defeat Putin and other petrostate autocrats, *Guardian* (Feb. 25, 2022).

¹² *See, e.g.*, R. Xia et al., California’s offshore oil rigs are decades old, and industry resists decommissioning them, *LA Times* (updated Oct. 11, 2021) (submitted with previous letter).

¹³ The Times Editorial Board, Editorial: End drilling in California waters to protect the coast and climate, *LA Times* (Mar. 2, 2022).

destructive wildfires,¹⁴ droughts, and sea level rise) to know that this project poses a unnecessary and unacceptable threat to California's beaches, wildlife, coastal resources, and residents.

There are numerous other reasons for denial. As detailed in our previous letters, the Board of Supervisors can and should deny ExxonMobil's proposal to restart the Santa Ynez Unit platforms and Las Flores Canyon processing plant and truck their product along California's highways for many other reasons, including significant, inadequately analyzed, and inadequately avoided or mitigated impacts to air and water quality, marine wildlife and habitat, onshore natural and cultural resources, recreation, and public safety. Further, as substantiated by the Planning Commission, the project is inconsistent with the County's Land Use Development Code and Coastal Zoning Ordinance and does not present overriding considerations that justify its approval, as we also explained in detail in our September 27, 2021 letter.

In sum, please embrace a cleaner and safer future and vote to reject this dangerous and unnecessary project.

Sincerely,



Julie Teel Simmonds, Senior Attorney
Oceans Program

¹⁴ Fires include the Alisal Fire that threatened the ExxonMobil processing facility in Las Flores Canyon last October. *See* H. Smith et al., Sundowner winds stymie fire crews as Alisal Fire grows to more than 15,000 acres, LA Times (Oct. 13, 2021) (submitted with previous letter).